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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 DENNIS C. HUNTER,

10 Plaintiff,

11 v.

12 MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

13 Defendant.
14

CASE NO. 11-cv-05107-RJB-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION TO
REMAND

15 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
16 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,
17 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on
18 Defendant's stipulated motion to remand the matter to the administration for further
19 consideration. (ECF No. 21.)

20 After reviewing Defendant's stipulated motion and the relevant record, the undersigned
21 recommends that the Court grant the parties' motion, and reverse and remand this matter to the
22 Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

23 On remand, based on the parties' stipulation, this Court recommends that the
24 Administrative Law Judge hold a new hearing and issue a new decision. The ALJ should:

1. Consider the lay witness testimony of Plaintiff's mother, E. JoAnne Hunter;

2. Re-evaluate and further develop the medical evidence, including opinions by evaluating psychologists Christopher Meagher, Ph.D., and Terilee Wingate, Ph.D., in accordance with Social Security Ruling 96-6p;

3. Consider the relevant evidence submitted by Plaintiff with his subsequent application for Supplemental Security Income benefits on May 6, 2010. It should be noted that Plaintiff was found disabled as of May 6, 2010, as a result of the subsequent application. On remand, the ALJ's review will be limited to the time period prior to May 6, 2010;

4. Reassess Plaintiff's residual functional capacity; and

- Obtain supplemental vocational expert testimony if necessary.

This Court further recommends that the ALJ take any other actions necessary to develop the record. In addition, Plaintiff should be allowed to submit additional evidence and arguments to the ALJ on remand.

The parties agree, and this Court recommends, that reasonable attorney fees and costs should be awarded pursuant to the Equal Access to Justice Act, 28 U.S.C. sec. 2412(d), following proper request to the Court.

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order that the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 28th day of October, 2011.

J. M. Handwritten

J. Richard Creatura
United States Magistrate Judge